IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6512 of 2007()

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CRIME NO.380/07 OF MUSEUM POLICE STATION, TRIVANDRUM.

PETITIONER/1ST ACCUSED

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GEETHA S., D/O SUSEELAN,
T.C.15/306, VADAKKEKUNCHU VEEDU,
ALTHARA NAGAR, SASTHAMANGALAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
MUSEUM POLICE STATION,
THIRUVANANTHAPURAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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**B.A. No. 6512 OF 2007**

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**Dated this the 5th day of November, 2007**

**ORDER**

Application for anticipatory bail. The petitioner – a woman, is the 1st accused. She faces allegations along with her sister – the 2nd accused. The crux of the allegations against the petitioner is that in connection with the marriage of the daughter of the 2nd accused, an amount was borrowed from the de facto complainant and for discharging the said liability, the 1st accused handed over a cheque. The said cheque was handed over at the house of the 1st accused. It was signed by the 1st accused. But it turns out that the cheque was actually drawn on an account maintained by the 2nd accused. In the cheque leaf, the 1st accused had forged the signature of the 2nd accused. The 2nd accused has already been arrested and enlarged on bail. Investigation is in progress. The petitioner

apprehends imminent arrest. The crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police under Sec.156(3) of the Cr.P.C.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of this case, that appropriate directions under Sec.438 of the Cr.P.C. can be issued in favour of the petitioner herein. In the absence of opposition, it is not necessary to advert to the facts in any greater detail in this order.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 12/11/07. She shall be released on regular bail on her executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make herelf available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 13/11/07 and 14/11/07 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of one

month. Subsequently, she shall so make herself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to her surrender on 12/11/07 as directed in clause (i) above, she shall be released on her executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 12/11/07.

Sd/-

**(R. BASANT, JUDGE)**

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P.S. to Judge